



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,663	04/16/2001	Joel M. Wein	12293-15	6020

20873 7590 12/28/2004

LOCKE LIDDELL & SAPP LLP  
ATTN: SUE COTT  
2200 ROSS AVENUE  
SUITE 2200  
DALLAS, TX 75201-6776

EXAMINER
----------

ZHONG, CHAD

ART UNIT	PAPER NUMBER
----------	--------------

2152

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/835,663

Applicant(s)

WEIN ET AL.

Examiner

Chad Zhong

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 17-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. 09/835,663.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/25/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2152

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one for following inventions is required under 35 U.S.C. 121:

- I. Claim 1-16 are drawn to invoking a CDN's initialization process, classified in class 709, subclass 222.
- II. Claim 17-31 are drawn to invoking a configuration of information in form of meta-data, classified in class 715, subclass 200.

The inventions are distinct, each from the other because of the following reasons. Invention II and I are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instance case, invention I has separate utility such as initializing sessions between client and server, and invention II has separate utility such as configuration of devices without initializing process. See MPEP 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, different searches and their recognized divergent subject matter, and the search required for group I is not required for group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Judson on November 25, 2004 a provisional election was made with traverse to prosecute the invention of II, claims 17-31.

Applicant in responding to this Office Action must make affirmation of this election. Claim 1-16 are withdraw from further consideration by examiner, 37 CFR 1. 142(b), as being draw to a non-elected invention.

**DETAILED ACTION**

1. Claims 17-31 are presented for examination.
2. It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.
3. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of US filed applications in the specification should also be updated where appropriate.
4. The current oath is found defective for the following reasons:  
Applicant failed to input priority application number within the oath, proper correction is required.
5. The use of the trademark Akamai FreeFlow, Akamai Technologies among others have been noted in this application (pg 2). It should be capitalized wherever it appears and be accompanied by the generic terminology. Appropriate correction is required through out the entire application.
6. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the ~~remaining claims must not be renumbered. When new claims are presented they must be numbered~~ consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

There is a duplicate claim 22 found within the claims, proper correction is required. For the purpose of examination, Examiner will use 22a and 22b as references.

Art Unit: 2152

*Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

8. Claims 17-19, 22b-26, 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Li, US 6,799,214.

9. As per claim 17, Li teaches a method of content delivery operative in a content delivery network on behalf of participating content providers, the content delivery network comprising a set of content servers, and wherein participating content providers identify given content to be delivered over the content delivery network, comprising:

having a participating content provider associate a content provider domain or subdomain with a domain managed by a content delivery network service provider (Col. 4, lines 8-26, wherein the content servers are part of a network of domains and subdomains comprising various servers and clients);

for a given piece of content, specifying, as metadata, a given content control requirement (Col. 8, lines 40-50, wherein the content control parameter comprising of meta tags will provide content control);

communicating the metadata for the given piece of content to the set of content servers (see for example, Col. 8, lines 40-65, wherein the meta tag's information will be used to access the remote servers);

resolving a client query to the content provider domain or subdomain to an IP address of a given content server in the set of content servers using the domain managed by the content delivery network service provider (Col. 4, lines 8-26, wherein the resolution is done by DNS servers); and

Art Unit: 2152

at the given content server, applying the given content control requirement specified in the metadata prior to serving the given piece of content (Col. 6, lines 45-67, wherein the content servers are accessed using meta tags, the files within the servers will be served upon receiving requesting information contained within meta tags from clients).

10. As per claim 18, Li teaches the method as described in Claim 17 wherein the content provider domain or subdomain is associated with the domain managed by the content delivery network service provider through a DNS canonical name (Col. 4, lines 8-26).

11. As per claim 19, Li teaches the method as described in Claim 17 wherein the metadata is communicated to the set of content servers in a header (Col. 8, lines 60-65).

12. As per claim 22b, Li teaches the method as described in Claim 17 wherein the given content control requirement enforces a given access control method (Col 8, lines 40-50, wherein the meta tags determines which server the client will have access to).

the method as described in Claim 17 wherein the given content control requirement enforces a given access control method.

13. As per claim 23, Li teaches the method as described in Claim 17 wherein the metadata is a request metadata component (Col. 8, lines 40-65, wherein the user is making meta requests to remote content servers).

14. As per claim 24, Li teaches the method as described in Claim 17 wherein the metadata is a response metadata component (Col. 8, lines 40-65, wherein the meta tags are part of a response from original servers).

15. As per claim 25, Li teaches a method of content delivery operative in a content delivery

Art Unit: 2152

network on behalf of participating content providers, the content delivery network comprising a set of content servers, and wherein participating content providers identify given content to be delivered over the content delivers, network, comprising:

having a participating content provider alias a content provider domain to a domain managed by a content delivery network service provider, wherein the content provider domain is part of a URL identifying a given piece of content published by the participating content provider (wherein the Alias names converted to IP addresses are standard techniques of DNS servers and is disclosed within Li's background, further, see for example, Col. 8, lines 60-65);

for the given piece of content, specifying, as metadata, a given content control requirement (Col. 8, lines 40-50, wherein the content control parameter comprising of meta tags will provide content control);

resolving a client query to the content provider domain to an IP address of a given content server in the set of content servers using the domain managed by the content delivery network service provider (again, the domain name resolution as described here is managed by DNS servers disclosed in the background of Li); and

at the given content server, applying the given content control requirement specified in the metadata prior to serving the given piece of content (Col. 6, lines 45-67, wherein the content servers are accessed using meta tags, the files within the servers will be served upon receiving requesting information contained within meta tags from clients).

16. As per claim 26, claim 26 is rejected for the same reasons as rejection to claim 1 above.

17. As per claim 29, Li teaches the method as described in Claim 25 wherein the given piece of content is a markup language page (Col. 8, lines 40-65).

18. As per claim 30, Li teaches the method as described in Claim 25 wherein the given piece of content is an embedded object of a markup language page (Col. 8, lines 40-65).

19. As per claim 31, Li teaches the method as described in Claim 2,5 wherein the alias is a DNS canonical name (CNAME) (Col. 4, lines 8-26).

*Claim Rejections - 35 USC § 103*

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 20-22, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li, US 6,799,214, in view of Amstein et al. (hereinafter Amstein), US 5,793,966.

22. As per claim 20, Li does not explicitly teach the method as described in Claim 17 wherein the metadata is communicated to the set of content servers in a configuration file.

23. Amstein teaches the method as described in Claim 17 wherein the metadata is communicated to the set of content servers in a configuration file (see for example, Col. 10, lines 54-61, wherein the users can make modifications or create configuration files based on metadata) for the advantages of controllability.

24. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Li and Amstein because they both dealing with content delivery networks. Furthermore, the teaching of Amstein to allow wherein the metadata is communicated to the set of content servers in a configuration file



Art Unit: 2152

would improve controllability for Li's system by allowing users to make modifications using metadata in a configuration file from a remote location.

25. As per claim 21, Li does not explicitly teach the method as described in Claim 20 wherein the configuration file is provisioned via an extranet application.

26. Amstein teaches the method as described in Claim 20 wherein the configuration file is provisioned via an extranet application (Col. 1, lines 40-50; Col. 20, lines 1-42) for the advantages of scalability.

27. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Li and Amstein because they both dealing with content delivery networks. Furthermore, the teaching of Amstein to allow wherein the configuration file is provisioned via an extranet application would improve scalability for Li's system by allowing users to make modifications using metadata in a configuration file from a remote location such as from an extranet.

28. As per claim 22a, Li does not explicitly teach the method as described in Claim 17 wherein the given content control requirement enforces a given authentication method.

29. Amstein teaches the method as described in Claim 17 wherein the given content control requirement enforces a given authentication method (Col. 13, lines 44-51).

30. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Li and Amstein because they both dealing with content delivery networks. Furthermore, the teaching of Amstein to allow wherein the given content control requirement enforces a given authentication method

Art Unit: 2152

would improve the security for Li's system by making the authentication prior to allowing user to access sensitive contents within content servers.

31. As per claim 27, claim 27 is rejected for the same reasons as rejection to claim 20 above.

32. As per claim 28, claim 28 is rejected for the same reasons as rejection to claim 22a above.

***Conclusion***

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents and publications are cited to further show the state of the art with respect to

**“CONTENT DELIVERY NETWORK (CDN) CONTENT SERVER REQUEST HANDLING  
MECHANISM WITH METADATA FRAMEWORK SUPPORT”.**

- |      |                 |             |
|------|-----------------|-------------|
| i.   | US 6122648      | Roderick    |
| ii.  | US 6483851      | Yurt et al. |
| iii. | US 2002/0069113 | Stern       |
| iv.  | US 6,412,073    | Rangan.     |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

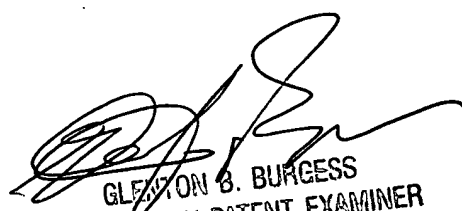
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ

December 15, 2004



GLENN B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100